

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

VERRAGIO, LTD.,

Plaintiff,

v.

VALERIA FINE JEWELRY,

Defendant.

Case No. 3:17-CV-2662-G

**CONSENT JUDGMENT AND PERMANENT INJUNCTION
AGAINST VALERIA FINE JEWELRY**

Plaintiff Verragio, Ltd. ("Verragio"), and Defendant Valeria Fine Jewelry ("Defendant"), agree to the entry of this Consent Judgment and Permanent Injunction against Defendant.

Therefore, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. This case is a civil action arising under the Trademark and Copyright Laws of the United States, 15 U.S.C. §§ 1051, *et seq.* and 17 U.S.C. §§ 101, *et seq.*, respectively. This Court has jurisdiction over the claims which relate to copyright infringement pursuant to 15 U.S.C. § 1121, 17 U.S.C. § 501, and 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

3. Verragio is a New York corporation with its principal place of business at 330 Fifth Avenue, 5th Floor, New York, NY 10001.

4. Defendant has its principal place of business at 4834 Vicksburg St., Dallas, Texas 75207.

5. Barry Nisguretsky ("Nisguretsky") is the owner of Verragio.

6. For over 20 years, Nisguretsky has been an innovator in the design, creation and marketing of fine jewelry. Nisguretsky designs his own jewelry and has created exclusive collections from top quality material.

7. Among Nisguretsky's jewelry designs is Style Nos. INS 7074P, an original design comprising copyrightable subject matter under the laws of the United States.

8. At all relevant times, Nisguretsky complied in all respects with the Copyright Acts, 17 U.S.C. § 101, *et seq.*, and secured the exclusive rights and privileges in and to the copyrights of INS 7074P (VA 1-809-371) and INS 7074W (VA 1-838-931) (the "Verragio Copyrights"). A copy of the Certificates of Registration from the Register of Copyrights for the Verragio Copyrights, as well as the deposit copies of the Verragio Copyrights, are attached to this Consent Judgment as Exhibit A.

9. Nisguretsky has exclusively licensed his copyrighted jewelry designs to Verragio, including INS 7074P and INS 7074W.

10. Since its creation, INS 7074P and INS 7074W have been manufactured by Verragio or under its authority.

11. The Verragio Copyrights are valid, strong and enforceable.

12. Each engagement ring in Verragio's Insignia Collection, including INS 7074P and INS 7074W, contains the Verragio Crest. The Verragio Crest, as it applies to jewelry, "consists of the configuration of a crest in the shape of a crown with three points featured as a part of a ring design." Verragio owns a United States trademark registration for the Verragio Crest, Registration No. 4,336,434. A copy of the registration certificate for this is attached to this Consent Judgment as Exhibit B.

13. Verragio has made and continues to make a substantial investment of time, effort, and expense in the design, manufacturing and marketing of its jewelry featuring the Verragio Crest.

14. Verragio advertises its products, including jewelry that contains the Verragio Crest, in social media including Facebook, Pinterest, Twitter, YouTube, Instagram, Google+ and over the World Wide Web through its website www.verragio.com.

15. Verragio jewelry bearing the Verragio Crest has been sold to retail stores throughout the United States. These retail stores display and offer for sale to the general public jewelry that contains the Verragio Crest.

16. Verragio jewelry bearing the Verragio Crest has had outstanding commercial success. As a result, jewelers and the public recognize the Verragio Crest as designating an exclusive source, thereby creating a goodwill which inures to Verragio's benefit.

17. The Verragio Crest is unique and distinctive and, as such, designates a single source of origin.

18. The Verragio Crest is valid, strong, enforceable and widely known and recognized among jewelers and consumers throughout the United States.

19. Defendant and Defendant's officers, directors, employees, representatives, agents, successors-in-interest, parent corporations, subsidiary corporations, legal entities or persons controlled by Defendant, and all other persons who are in active concert or participation with them, are hereby permanently enjoined from:

a. Copying or making unauthorized use of, or engaging in any unauthorized distribution of products protected by the Verragio Copyrights or rings that are substantially similar to the Verragio Copyrights;

b. Copying or making unauthorized use of, or engaging in any unauthorized distribution of products protected by the Verragio Crest or rings that are confusingly similar to the Verragio Copyrights

c. Selling, distributing, advertising, manufacturing or purchasing any of the rings pictured in Exhibit C or any rings substantially similar to those rings; and

d. Knowingly assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs 19(a) through 19(c) above.

20. The parties waive notice of entry of this Consent Judgment and Permanent Injunction and the right to appeal therefrom or to test its validity and consent to its immediate entry in accordance with its terms. This Court expressly retains jurisdiction over this matter to enforce, implement or construe this Consent Judgment and Permanent Injunction.

SO ORDERED.

DATED: March 1, 2018

G. Joe Fish
United States District Judge

The individuals executing this Consent Judgment and Permanent Injunction represent or confirm that they are duly authorized to do so, and are similarly authorized to bind their respective clients to this Consent Judgment and Permanent Injunction.

CONSENTED TO:

DATED: February 26, 2018

Wilson, Elser, Moskowitz,
Edelman & Dicker LLP

By: Valeri C. Williams
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Attorneys for Plaintiff VERRAGIO, LTD.

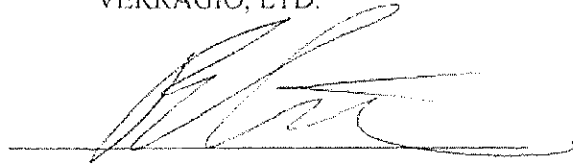
DATED: February 26, 2018

By: [Signature]

Attorneys for Defendant Valeria Fine Jewelry

VERRAGIO, LTD.

Dated: 2/22/18

A handwritten signature in black ink, appearing to be "J. Verragio", written over a horizontal line.

VALERIA FINE JEWELRY

Dated: 2-20-18

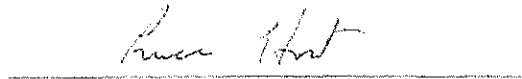
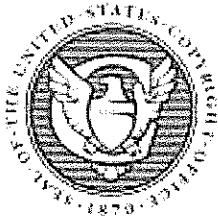
A handwritten signature in black ink, appearing to be "Kara Hart", written over a horizontal line.

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-809-371

Effective date of
registration:
March 28, 2012

Title

Title of Work: INS-7074P

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: February 1, 2012

Nation of 1st Publication: United States

Author

■ Author: Barry Nisguretsky

Author Created: jewelry design

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Barry Nisguretsky

132 west 36th street, 8th floor, new york, NY, 10018, United States

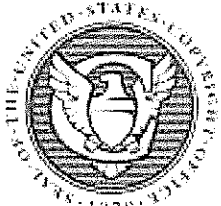
Certification

Name: Barry Nisguretsky

Date: March 28, 2012



Case 3:17-cv-02662-G
Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-838-931

Effective date of
registration:
March 28, 2012

Title _____

Title of Work: INS-7074W

Completion/Publication _____

Year of Completion: 2010

Date of 1st Publication: February 1, 2010

Nation of 1st Publication: United States

Author _____

■ Author: Barry Nisguretsky

Author Created: jewelry design

Citizen of: United States

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Barry Nisguretsky

132 west 36th street, 8th floor, new york, NY, 10018, United States

Certification _____

Name: Barry Nisguretsky

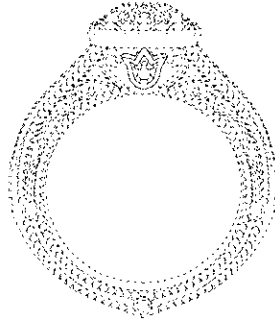
Date: March 28, 2012



EXHIBIT B

United States of America

United States Patent and Trademark Office



Reg. No. 4,336,434

Registered May 14, 2013

Int. Cl.: 14

TRADEMARK

SUPPLEMENTAL REGISTER

VERRAGIO LTD. (NEW YORK CORPORATION)
132 WEST 36TH STREET, 8TH FLOOR
NEW YORK, NY 10018

FOR: JEWELRY MADE OF PRECIOUS AND SEMI-PRECIOUS GEMSTONES AND METALS,
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE: 4-15-2008. IN COMMERCE 4-15-2008.

THE MARK CONSISTS OF THE CONFIGURATION OF A CREST IN THE SHAPE OF A CROWN WITH THREE POINTS FEATURED AS A PART OF A RING DESIGN. THE BROKEN LINES SHOWN IN THE DRAWING ARE INTENDED ONLY TO SHOW THE POSITION OF THE MARK AND ARE NOT CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 85-497,442. FILED P.R. 12-16-2011; AM. S.R. 3-15-2013.

RENEE MCCRAY, EXAMINING ATTORNEY



Lisa Shattuck
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years*
What and When to File:**

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods*
What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*


The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

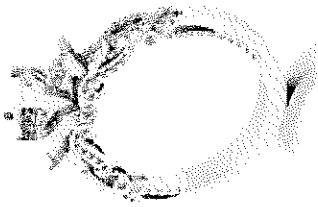
NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT C



VALERIA
FINE JEWELRY

VITAGGIO INSPIRED CUSTOM ENGAGEMENT RING



DESCRIPTION **DETAILS**

This is a custom designed ring inspired by the architecture of the Vitaggio. The ring features a large, brilliant-cut diamond set in a four-prong setting. The band is pavé set with smaller diamonds. The ring is made of 14K white gold.

DETAILS

Product Code: VITAGGIO-ENG-RING-14K-WG
Availability: In Stock
Size: 4.5 - 5.0
Material: 14K White Gold
Setting: Four-Prong
Band: Pavé Set with Diamonds

CONTACT US

Address: 1234 Main Street, New York, NY 10001
Phone: (212) 555-1234
Email: info@valeriafinejewelry.com

MY ACCOUNT

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Create Account
My Cart
My Orders

INFORMATION

Shipping & Returns
Privacy Policy
Terms of Service

VALERIA
FINE JEWELRY

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